

Page 3  
Serial No. 10/706,556  
Amendment Accompanying RCE

**In the Claims**

1. (Currently amended) A hair retaining device for placement on a head, said device comprising:  
  
an annular, elasticized portion for adjusting to heads of varying sizes and for encircling a wearer's head, ~~said elasticized portion having an upper edge~~ said elasticized portion comprising a continuous elastic disposed within a first fabric covering, the fabric puckered to allow said elastic to expand therein; and  
  
a hair retainer comprising a stiffening material disposed within a second fabric covering, said hair retainer gathered at and extending upwardly from said an upper edge of said elasticized portion and terminating at a generally circular retaining lip circumscribing an opening, said lip having a diameter and said upper edge having a diameter smaller than the said lip diameter to form a frustoconical collar for retaining hair.
2. (Currently amended) The device of claim 1, wherein said hair retainer ~~comprises a stiff material and~~ is at least partially rigid so as to maintain a frustoconical shape and not rest upon said hair when placed on said wearer's head.
3. (Cancelled)
4. (Currently amended) The device of claim ~~[[3]]~~ 1, wherein said stiffening material is mesh and said second fabric covering is terrycloth.
5. (Cancelled)
6. (Currently amended) The device of claim ~~[[5]]~~ 1, wherein said elastic and said first fabric covering are continuously stitched together, ~~said fabric puckered to allow said elastic to expand therein.~~

Page 4  
Serial No. 10/706,556  
Amendment Accompanying RCE

7. (Currently amended) A device for holding hair away from a wearer's face, comprising:

a band of elasticized material for adjustable retention of said device on a wearer's head, said band comprising a continuous elastic disposed in a first fabric covering, the fabric puckered to allow said elastic to expand therein, said band contracting about said wearer's head and having ~~and having~~ an upper edge;

an annular hair retainer comprising stiffening material disposed in a second fabric covering and extending upwardly from said upper edge and terminating at a generally circular retaining lip circumscribing an opening, said lip having a diameter larger than a diameter of said upper edge, said hair retainer being frustoconical in shape when said band is expanded for placement upon said wearer's head.

8. (Cancelled)

9. (Currently amended) The device of claim [[8]] 7, wherein said elastic and said first fabric covering are continuously stitched together, ~~said fabric puckered to allow said elastic band to expand therein.~~

10. (Original) The device of claim 7, wherein said band of elasticized material has a diameter less than any diameter of said hair retainer when said headband is worn on said wearer's head.

11. (Original) The device of claim 7, wherein said hair retainer is at least partially stiff to maintain said hair retainer as frustoconical in shape and prevent said hair retainer from resting upon said hair.

12. (Cancelled)

Page 5  
Serial No. 10/706,556  
Amendment Accompanying RCE

13. (Currently amended) The device of claim ~~[[12]]~~ 7, wherein ~~said the fabric of the second fabric covering~~ is terrycloth and said stiffening material is mesh.
14. (Currently amended) A hair band, comprising:  
continuous twofold fabric having an interior surface and an exterior surface forming an annular inner edge and an annular outer edge of said hair band;  
an elastic portion disposed within a first portion of said interior surface of said twofold fabric, said first portion along said inner edge of said hair band, wherein the fabric of the first portion is puckered to allow said elastic portion to expand therein; and  
stiffening material disposed within a second portion of said interior surface of said twofold fabric, said second portion along said outer edge of said hair band,  
wherein said second portion is frustoconical in shape and extends upwardly from said ~~outer edge~~ first portion terminating at a generally circular retaining lip circumscribing an opening.
15. (Original) The hair band of claim 14, further wherein said elastic is a band continuously bound to said twofold fabric.
16. (Original) The hair band of claim 15, further comprising stitching through both said twofold fabric and said elastic.
17. (Cancelled)
18. (Original) The hair band of claim 14, wherein said twofold fabric is terrycloth.
19. (Original) The hair band of claim 14, wherein said stiffening material is mesh.
20. (Currently amended) A device for retaining hair, comprising:

Page 6  
Serial No. 10/706,556  
Amendment Accompanying RCE

an annular elasticized headband for adjusting to human heads of varying sizes, said headband having an upper edge, said headband comprising a continuous elastic disposed within a first fabric covering, the first fabric covering puckered to allow said elastic to expand therein;

a frustoconically shaped hair retainer comprising a stiffening material disposed within a second fabric covering, said hair retainer extending upwardly from said upper edge and terminating at a generally circular retaining lip circumscribing an opening, said lip having a diameter and said upper edge having a diameter smaller than the said lip diameter to form a frustoconical collar for retaining hair without crushing said hair.